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On Workers Memorial Day and the 40th anniversary of the creation of the Occupational Safety and Health Administration, the Workforce Protections Subcommittee of the House Committee on Education and Labor held a hearing on pending legislation, the Protecting America's Workers Act (PAWA), H.R. 2067.



Rep. Lynn Woolsey of California, introduced PAWA to strengthen employee rights to blow the whistle on unsafe working conditions and the rights of family members of workers who have been killed or seriously injured at work.

Several people testified at the hearing; including whistleblower Neal Jorgensen. He was fired by Plastic Industries one week after he filed an OSHA complaint regarding unsafe working conditions. Although OSHA found that his case had merit, the regional Solicitor of Labor refused to take his case to court and he was left with no job and no remedy.



Lynn Rhinehart, General Counsel of the AFL-CIO, testified that, "Whistleblower protections have everything to do with safety and health." She expressed the AFL-CIO's support for PAWA saying it will update the whistleblower provisions in the OSHA Act and bring them "into the 21st century."

PAWA would extend the statute of limitations to file an OSHA complaint from 30 days to 180 days. It would also give plaintiffs the right to a private action in the event that the Secretary of Labor declines to prosecute their complaint. It would require OSHA to interview the complainant, and strengthen anti-retaliation provisions.

Tonya Ford is the niece of Robert Fitch. He was killed at an Archer Daniels Midland plant in Nebraska. Ms. Ford gave testimony at the hearing. She spoke about how families are often left out of the OSHA investigation process and uninformed on the status of those proceedings. Jordan Barab, Deputy Assistant Secretary of Labor for Occupational Health and Safety, said that H.R. 2067 will address these issues by establishing family liaisons, offering additional training for field officers on dealing with grieving families, and involving a family member or representative of the family in the investigation process.

Dr. Celeste Monforton of George Washington University (and the Pump Handle blog) testified about how strong whistleblower protections are needed now more than ever. When unemployment is high, workers will be more afraid to speak up unless they have strong legal protection for standing on the side of health and safety.

A number of family members of workers who were killed on the job were present at the hearing to demonstrate their support for enhanced victim's rights and strengthened whistleblower protections. As industry attorney



Lloyd Chinn raised concerns about meritless whistleblower cases, some family members stood up and raised photos of their deceased loved ones. They stood in silence to speak for those who no longer can.

**Meryl Grenadier (NWC Fellow) attending the hearing and drafted this post.*